



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,743	10/16/2002	Kazukuni Hiraoka	PLM 1003-02US	9159

28327 7590 05/12/2004

THE LAW OFFICE OF JOHN A. GRIECCI
703 PIER AVE., SUITE B #657
HERMOSA BEACH, CA 90254

EXAMINER

RADA, ALEX P

ART UNIT PAPER NUMBER

3714

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,743

Applicant(s)

HIRAOKA ET AL.

Examiner

Alex P. Rada

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☒ Certified copies of the priority documents have been received in Application No. 09/238,967.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to the amendment filed March 8, 2004 in which the applicant amends claims 13 and 17, adds new claim 20 and 21, and claims 1-21 are pending in this office action.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 20-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The disclosure does not provide support for the game operation select the object or object portion from among the plurality of objects as recited in new claims 20 and 21. The examiner requests that applicant point out in the disclosure the claimed subject matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3714

4. Claims 1-2, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morioka '111 in view of Kearney '836.

5. Morioka discloses the following:

A game machine having a memory device storing three-dimensional data related to a plurality of objects and a game program, an input device (simulated gun, not shown), a display (100), a processing device, (18) having a game program with three-dimensional data prospectively converting images in an animate manner, (see Abstract), a process in which close objects are partly focused to which further objects are blurred and the information that represents objects and colors are rendered and processed (column 1, line 13 – column 3, line 38, at least) as recited in claims 1, 13, and 17.

The three-dimensional data having at least a plurality of polygon-apex information representing objects and color information corresponding to the individual polygons as determined by the polygon information and a plurality of objects located in the world coordinate system on the projection surface and the objects are processed at the time of the texturing mapping in which the color information is mapped on the polygons and blurring operations are performed according to the depths of the objects (column 1, line 41 – column 10, line 61 and figures 1-11) as recited in claim 2.

Mori does not expressly disclose specific objects or the specific portion thereof as is playable by game players and determining the objects of specific portion thereof as being in focus according to operation performed by a player as recited in claims 1, 13, and 17.

Kearney teaches a gaming device having objects (plurality of ships figure 6) or specific portion (specific ship) being playable (figures 4-9) by a player (summary) as

Art Unit: 3714

recited in claim 1 and 13. By having objects of specific portions thereof being playable by game players, one of ordinary skill in the art would provide game players an environment that simulates the visual, audio, and physical conditions of an amusement type game.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Morioka to include specific objects or the specific portion thereof as is playable by game players and determining the objects of specific portion thereof as being in focus according to operation performed by a player as taught by Kearney to provide game players an environment that simulates the visual, audio, and physical conditions of an amusement type game.

6. Claims 3-12, 14-16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morioka '111 in view of Kearney '836 as applied to claims 1-2, 13, and 17 above, and further in view of Sato '517.

7. Morioka in view Kearney disclose the claimed invention as discussed above except for the following:

A specific object of the specific portion of the object as recited in claims 3 and 18.

The focused objects are displayed in the center of the display as recited in claims 4 and 14.

The specific object displayed or specific portion of the specific object determined as being in focus is set by the player through use of a line of sight and determine the basis of the position of the point of view of the player on a monitor screen as recited in claims 5-6 and 15-16.

The blurring operations constitute processing in which blurring is reflected on both the objects located nearer to the projection surface and the objects located deeper,

relative to the specific object determined as being in focus of the specific portion of the object as recited in claims 7-12.

The input device includes a sensor configured to sense the viewpoint upon which the player's view is centered on the display, and wherein the identified object or object portion is determined from the location of the viewpoint as recited in claim 19.

Sato teaches an image display apparatus having the player choosing a specific object or the specific portion of the object (figures 1-4), the focused objects being displayed in the center of the display (figures 1-4), the specific object displayed or specific portion of the specific object determined as being in focus is seen by the player through use of a line of sight sensor (abstract), in which the examiner interprets to be the detector which is a functional equivalent to the line of sight sensor which performs the same function (figures 5-12), and determine the basis of the position of the point of view of the player on a monitor screen, and the blurring operations constitute processing in which blurring is reflected on both the objects located nearer to the projection surface and the objects located deeper, relative to the specific object determined as being in focus of the specific portion of the object, and the input device includes a sensor configured to sense the view-point upon which the player's view is centered on the display, and wherein the identified object or object portion is determined from the location of the view-point (column 1, line 58 – column 8, line 55). By having a specific object focused on while the surrounding area is defocused using a line of sight sensor (detector), one of ordinary skill in the art would be able to provide game players with added realism of depth perception in a game.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention was made to modify Morioka\Kearney to include the player choosing a specific object or the specific portion of the object, the objects being displayed in the center of the display, the specific object displayed or specific portion of the specific object determined as being in focus is seen by the player through use of a line of sight and determine the basis of the position of the point of view of the player on a monitor screen, and the blurring operations constitute processing in which blurring is reflected on both the objects located nearer to the projection surface and the objects located deeper, relative to the specific object determined as being in focus of the specific portion of the object, and the input device includes a sensor configured to sense the view-point upon which the player's view is centered on the display, and wherein the identified object or object portion is determined from the location of the view-point as taught by Sato to provide game players with realistic imaging and natural realism of depth perception in a game.

8. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morioka '111 in view of Kearney '836 as applied to claims 13 and 17 above, and further in view of Itai '709.

9. Morioka in view of Kearney disclose the claimed invention as discussed above except for the following:

The game operations select the object or object portion from among the plurality of objects.

Itai teaches an image-processing device that selects an object (enemy character) during the play of the game among the plurality of enemy characters. By having the game automatically select an object (enemy character) from a plurality of objects (enemy

Art Unit: 3714

characters), one of ordinary skill in the art would provide game players with the capability of easily and rapidly identifying a character displayed on the display screen and predicting the next movement of the character (column 1, line 51-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Morioka/Kearney to include game operations selection of an object or object portion from among the plurality of objects as taught by Itai to would provide game players with the capability of easily and rapidly identifying a character displayed on the display screen and predicting the next movement of the character.

Response to Arguments

10. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsuyama '299 and Shoji '476 both disclose target shooting video type games with zoom in type features.

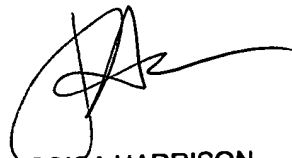
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 703-308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AK
APR



JESSICA HARRISON
PRIMARY EXAMINER